

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANTHONY DOMENIC REO,	)	CASE NO. 1:18-cv-01599
	)	
Plaintiff,	)	JUDGE
	)	
vs.	)	
	)	
TITAN GAS, LLC,	)	<b><u>NOTICE OF REMOVAL</u></b>
	)	
Defendant.	)	

THE HONORABLE UNITED STATES DISTRICT JUDGE:

**INTRODUCTION**

1. Pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441, and in compliance with 28 U.S.C. § 1446, Defendant Titan Gas, LLC (“Titan Gas”) timely removes this civil state court action styled as *Anthony Domenic Reo v. Titan Gas, LLC*, Case No. CVF 1801003, pending in the Painesville Municipal Court, Lake County, Ohio (the “State Court Action”) to the United States District Court for the Northern District of Ohio, Eastern Division on the basis of federal question jurisdiction. In support of its notice of removal, Titan Gas states as follows:

2. Removal to the United States District Court for the Northern District of Ohio, Eastern Division, is proper because:

- A. The District Court of the United States has original subject matter jurisdiction (federal question) of this action because the claims involve alleged violations of the Telephone Consumer Protection Act (“TCPA”);
- B. This Notice of Removal is filed within thirty days after June 14, 2018, the date on which Titan Gas was served with Plaintiff’s Complaint; and

- C. The United States District Court for the Northern District of Ohio, Eastern Division, is the District Court of the United States for the District and Division embracing the place where the State Court Action was filed.

*See* 28 U.S.C. § 1331; 28 U.S.C. § 1441(a); 28 U.S.C. § 1441(c); 28 U.S.C. § 1446(a); 28 U.S.C. § 1446(b).

### **STATEMENT OF GROUNDS FOR REMOVAL**

**A. Original Subject Matter Jurisdiction Pursuant to 28 U.S.C. § 1331/Removal is Proper Pursuant to 28 U.S.C. §§ 1441(a) and 1441(b).**

3. This case is removable based upon federal question jurisdiction. Pursuant to 28 U.S.C. § 1331, “the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” Even if a suit involves both a federal question and an otherwise nonremovable claim, the entire suit is removable. 28 U.S.C. § 1441(c).

4. The Complaint sets forth a purported cause of action pertaining to alleged telephone calls made to Plaintiff’s residential telephone line using an automated telephone dialing system, which cause of action has been asserted under the Telephone Consumer Participation Act (“TCPA”), 47 U.S.C. § 227, *et seq.* The federal court has original subject matter jurisdiction over actions brought under the TCPA. *See Sandusky Wellness Ctr., LLC v. Medco Health Sols., Inc.*, No. 3:14CV00583, 2014 WL 6775501, at \*1 (N.D. Ohio Dec. 2, 2014) *aff’d*, 788 F.3d 218 (6th Cir. 2015).

5. In this Complaint, Plaintiff alleges that he sustained injury in the State of Ohio as a result of the alleged wrongdoing (¶5), that the telephone calls at issue “were intrusive, disruptive, and annoying” (¶21), and that “Plaintiff has suffered damages” as a result of the alleged wrongful conduct (¶25). Plaintiff seeks, *inter alia*, “general damages” and injunctive relief. (*See* Complaint, Prayer.)

6. Removal is appropriate “to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Accordingly, this Court is the appropriate venue for removal of this action. *Id.*

**B. Removal is Timely**

7. Titan Gas was served with the Complaint on June 14, 2018.<sup>1</sup> This removal is filed on or before the thirty-day deadline of July 16, 2018. Thus, this Notice of Removal is filed timely.

**ATTACHMENTS**

8. Pursuant to 28 U.S.C. § 1446(a), Titan Gas attaches copies of (1) all executed process in the case; and (2) all known pleadings. There are no orders served upon Titan Gas in such action.

**PENDING MOTIONS**

9. There are no pending motions in the state court proceeding.

**NOTICE TO ADVERSE PARTIES/  
FILING WITH CLERK OF STATE COURT**

10. Pursuant to 28 U.S.C. § 1446(d) and promptly after the filing of this Notice of Removal, Titan Gas is giving written notice of removal to all adverse parties, and filing a copy of this Notice of Removal with the clerk of Lake County, Ohio in the Painesville Municipal Court—the court in which the State Court Action was filed. A copy of said notice to be filed is attached hereto.

11. Titan Gas reserves, without admission, waiver or relinquishment, all of its defenses to the Complaint.

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<sup>1</sup> In actuality, thirty (30) days after Titan Gas received the complaint in the State Court Action is Saturday, July 14, 2018. However, because the deadline falls on a weekend, the deadline to remove is the following Monday, July 16, 2018.

**CONCLUSION**

12. For the reasons stated herein, Titan Gas removes the civil State Court Action to the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/ Gregory C. Djordjevic

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**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Removal was filed electronically and was served by regular U.S. mail, postage prepaid, on the 12th day of July, 2018.

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